

 <b>KENTUCKY CORRECTIONS</b> Policies and Procedures	Policy Number	Total Pages
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## I. DEFINITIONS

“Adjunct staff” means an employee of Corrections who works in conjunction with the Sex Offender Treatment Program and staff.

“Case management team” means all authorities involved in the supervision and treatment of a sex offender involved in the SOTP, and may include a probation and parole officer and SSC.

“Client” means any sexual offender who has been referred to and enrolled in the SOTP.

“Division” means the Department of Corrections Division of Mental Health.

“Eligible sex offender” is defined in KRS 197.410(2).

“Non-admitter” means a sex offender who does not admit guilt or responsibility for committing the sexual offense.

"Sex offender" is defined in KRS 197.410(1) and includes those offenders on conditional discharge or diversionary agreement for sex crimes.

“Sex Offender Risk Assessment Advisory Board” or "SORAAB" is defined in KRS 17.554.

“Sex Offender Treatment Program” or "SOTP" means the Kentucky Department of Corrections Division of Mental Health institutional and community based specialized, sex offender therapy programs.

“Social Service Clinician” or "SSC" means any employee of Corrections so designated by personnel specifications.

“Volunteer” means any person, at least 21 years of age, who provides a service to Corrections, in conjunction with the SOTP and staff, and does not receive a salary for performing this service.

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## II. POLICY and PROCEDURE - INSTITUTIONAL BASED SOTP

### A. Application

1. Upon placement at a correctional intake institution, a sex offender shall be issued a memorandum regarding the SOTP and requirements set by KRS 439.340(11) and (12).
2. Referral to Program – A written referral shall be forwarded to the SSC. A referral may be submitted by the:
  - a. Classification and Treatment Officer; or
  - b. Institutional psychologist.
3. Upon receipt of a referral to the program, staff shall:
  - a. Obtain a copy of the Pre-sentence Investigation (PSI); and
  - b. Complete an intake interview and document the interview.

### B. Enrollment

1. In accordance with KRS 197.420(5), each SSC shall not maintain a caseload of more than fifty (50) participants.
2. If more than fifty (50) individuals have requested counseling and meet the established criteria, a waiting list shall be established. An individual may be referred to other treatment sources that have been approved by the SORAAB.
3. Priority placement shall be given to an eligible sex offender who has not received a prior opportunity for the SOTP and is within 48 months of earliest possible release date.
4. A sex offender who does not admit guilt or responsibility for the offender's sexually assaultive offense shall not be accepted in the SOTP, after the initial assessment and orientation phase.
5. A non-admitter or an applicant who has been rejected shall be allowed to reapply for admission into the program one hundred eighty (180) days after rejection. If the non-admitter reapplies for admission into the program, the offender may be accepted if the offender admits guilt or responsibility for his sexually assaultive offense.

### C. Responsibility

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The client shall receive written notification that:

1. Successful completion of the SOTP provides an offender with the tools to control his behavior but does not provide a cure for the offender's behavior; and
2. Upon completion of the SOTP, a report of treatment progress shall be made to the Parole Board or probation and parole officer.

D. Confidentiality

1. KRS 197.440 governs the confidentiality of communications made by a sex offender. The condition of confidentiality shall be in written form.
2. A planned criminal activity disclosed in evaluation or treatment of an institutionalized, paroled or probated, conditionally discharged, or diversionary agreement sex offender shall be reported to the appropriate authorities.
3. An activity identified as a behavior predictive of offending for the specific individual and specified in the treatment plan as predictive shall be reported to appropriate authorities.
4. A criminal activity disclosed to treatment staff during the course of therapy that occurred before the index offense shall not be reported to authorities if it is not ongoing and there is no identifiable victim remaining at risk and it does not meet the disclosure requirements in KRS 197.440. An effort shall be made to determine that a victim or child is not currently at risk by continued contact with the sex offender who made the disclosure of prior sexually abusive behaviors.
5. A request for disclosure of information shall be submitted to and approved by the Office of Legal Services.
6. Adjunct staff and volunteers shall be subject to the same limits of confidentiality as outlined in KRS 197.440.

E. Recordkeeping

1. The treatment file shall be maintained separately from an institutional file. The treatment file shall include:
  - a. Program announcement memorandum;
  - b. Referral documentation;
  - c. Intake documentation;

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- d. Program contract;
- e. SOTP 8 week institutional review documentation;
- f. Termination documentation;
- g. Any raw psychological data and psychological evaluations;
- h. Copy of PSI;
- i. Case notes;
- j. Any releases of information;
- k. Psychoeducational course data;
- l. Parole Board reports;
- m. Comprehensive Sex Offender Pre-sentence Evaluation (CSOPE);
- n. Verification of Sex Offender Registration; and
- o. Other relevant materials.

- 2. If a client is transferred to another institution, the treatment file shall be forwarded to the SOTP unit in the receiving institution.
- 3. Information shall not be released to another mental health agency without receipt of a written authorization by the client on an official release of information document.

#### F. Attendance

- 1. A client may be terminated from the program if the client has more than one (1) unexcused absence per calendar quarter.
- 2. An authorized absence shall include:
  - a. Verified court appearance;
  - b. Verified medical appointment;
  - c. Verified sick call;
  - d. Verified classification;
  - e. Verified adjustment committee;
  - f. Work assignment - only if prior approval has been given to the client by the SSC or adjunct staff;
  - g. Attorney visit;
  - h. Other visits if prior approval has been given by the SSC; or
  - i. Other absence authorized by the SSC.
- 3. An absence shall be documented and included in the progress report.

#### G. Treatment Modalities

- 1. Upon completion of the application phase, a client shall complete the psychoeducational components as outlined in KRS 197.400 to 197.440.

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2. These components and group therapy tasks shall be presented in a group therapy format:

- a. Assessment and orientation (A&O);
- b. Human sexuality;
- c. Family patterns;
- d. Social skills;
- e. Ownership - acceptance of responsibility;
- f. Autobiography;
- g. Advanced ownership - understanding the sexual assault cycle;
- h. Victim personalization;
- i. Relapse prevention; and
- j. Recommendations for:
  - (1) Individual counseling;
  - (2) Group counseling;
  - (3) Marital and family counseling; and
  - (4) Ancillary programs addressing other needs.

#### H. Client Evaluation

Each client shall be evaluated by staff on the following criteria:

1. Attendance;
2. Participation;
3. Attentiveness;
4. Behavior;
5. Knowledge; and
6. Demonstration of application of treatment concepts.

#### I. Termination

1. A client may be terminated from the SOTP for any of the following reasons:
  - a. More than one (1) unauthorized absence per calendar quarter;
  - b. Conviction of a disciplinary offense committed during a sex offender program session;
  - c. Confinement in disciplinary segregation resulting in the inability to attend more than one (1) scheduled session per calendar quarter;
  - d. Failure to successfully complete required psychoeducational courses;

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- e. Failure to complete any other component of the treatment plan as designated by the SSC or other assigned staff;
- f. A violation of the terms of the treatment contracts; or
- g. Non-admittance of guilt or responsibility for committing sexual offense. Any non-admitter who is already in the program shall be informed in writing that he has until the end of the module in which he is currently participating to admit guilt or responsibility for committing his sexual offense. If he does not admit guilt or responsibility for his offense, he shall be terminated from the program. The non-admitter shall be allowed to apply for readmission to the program one hundred eighty (180) days from the date of termination.

- 2. If termination from the SOTP is indicated, the SSC shall make a recommendation of termination to the Licensed Psychologist Program Administrator and Corrections Program Administrator.
- 3. Upon receipt of termination request, the Licensed Psychologist or Corrections Program Administrator shall rule on the recommendation for termination.
- 4. The SOTP staff shall forward a written notice of termination to the client.

#### J. Appeals of Termination

The client may forward a written appeal to the Director of the Division of Mental Health or designee within ten (10) calendar days of receipt of the decision. The Director or designee shall forward a written response to the client within twenty-one (21) days of receipt of the appeal.

#### K. Re-Application

If a client is not-accepted into the SOTP or terminated from SOTP, he may reapply one hundred eighty (180) days after the non-acceptance or termination date as affixed by the Treatment Supervisor or Corrections Program Administrator. This does not mean that re-admission shall be granted. The client shall maintain clear conduct for one hundred eighty (180) days in order to be reconsidered for admission into the institutional program. A client shall not be admitted into the treatment program after two terminations.

#### L. Use of Adjunct Staff

- 1. The Division may use an adjunct staff member who is currently an employee of Corrections.

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2. Use of an adjunct staff member shall be subject to approval by the Mental Health Director or designee and by the employing institution or agency.
3. A training session conducted by the Division shall be made available to adjunct staff.
4. Adjunct staff shall receive supervision from a designated staff member on at least a monthly basis.

M. Use of Volunteers

1. The Division may use a volunteer who is not an employee of Corrections subject to the provisions of CPP 26.1.
2. A volunteer shall abide by the rules or documents specific to the institution or agency in which the volunteer provides services.
3. A volunteer shall receive clinical supervision from a qualified staff member on at least a monthly basis.
4. A training session conducted by the Division shall be required for each volunteer.
5. A volunteer may be a practicum student or intern.

N. Safety and Security

Institutional staff shall comply with the security provisions of the institution.

III. POLICY and PROCEDURE - COMMUNITY BASED SOTP

A. Application

1. Referral to Program – A written referral shall be forwarded to the SSC. A referral may be submitted by the probation and parole officer.
2. Upon release to community supervision, the supervising probation and parole officer shall notify the sex offender that he shall be referred to the community SOTP. Upon receipt of the referral, the sex offender shall be issued a memorandum informing him of his referral and the appointment date and time.
3. Upon receipt of the PSI and a referral to the program, staff shall complete an intake interview and document the interview.

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## B. Enrollment

1. In accordance with KRS 197.420(5), each SSC shall not maintain a caseload of more than fifty (50) participants.
2. If more than fifty (50) individuals have requested counseling and meet the established criteria, a waiting list shall be established. An individual may be referred to other treatment sources that have been approved by the SORAAB.
3. Priority placement shall be given to an individual:
  - a. Dictated under KRS 197.400 to 197.440 who has completed the institutional component of the SOTP; and
  - b. Referred by the probating judge or parole board.
4. A sex offender who does not admit guilt or responsibility for the offender's sexually assaultive offense shall not be accepted in the SOTP, after the initial assessment and orientation phase.
5. A non-admitter or an applicant who has been rejected shall be allowed to reapply for admission into the program one hundred eighty (180) days after rejection. If the non-admitter reapplies for admission into the program, the offender may be accepted if the offender admits guilt or responsibility for his sexually assaultive offense.

## C. Responsibility

The client shall receive written notification that:

1. Successful completion of the SOTP provides an offender with the tools to control his behavior but does not provide a cure for the offender's behavior;
2. Upon completion of the SOTP, a report of treatment progress shall be made to the Parole Board or probation and parole officer; and
3. The payment of treatment fees and obligations and the administration of the polygraph may be required.

## D. Confidentiality

1. KRS 197.440 governs the confidentiality of communications made by a sex offender. The condition of confidentiality shall be in written form.



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2. A planned criminal activity disclosed in evaluation or treatment of an institutionalized, paroled or probated, conditionally discharged, or diversionary agreement sex offender shall be reported to the appropriate authorities.
3. An activity identified as a behavior predictive of offending for the specific individual (example: cruising, alcohol or drug use, frequenting areas of prostitution, baby-sitting) and specified in the treatment plan as predictive shall be reported to appropriate authorities.
4. A criminal activity disclosed to treatment staff during the course of therapy that occurred before the index offense shall not be reported to authorities if it is not ongoing and there is no identifiable victim remaining at risk and it does not meet the disclosure requirements in KRS 197.440. An effort shall be made to determine that a victim or child is not currently at risk by continued contact with the sex offender who made the disclosure of prior sexually abusive behaviors.
5. A request for disclosure of information shall be submitted to and approved by the Office of Legal Services.
6. Adjunct staff and volunteers shall be subject to the same limits of confidentiality as outlined in KRS 197.440.

E. Recordkeeping

1. The treatment file shall be maintained separately from a probation and parole supervision file. The treatment file shall include:
  - a. Program announcement memorandum;
  - b. Referral documentation;
  - c. Intake documentation;
  - d. Program contract;
  - e. Group participation documentation:
    - (1) Weekly case note; and
    - (2) Quarterly progress;
  - f. Termination documentation;
  - g. Any raw psychological data and psychological evaluations;
  - h. Copy of PSI;
  - i. Case notes;
  - j. Any releases of information;
  - k. Psychoeducational course data;
  - l. Parole Board reports;
  - m. Supplemental Conditions of Supervision for Sex Offenders;
  - n. Comprehensive Sex Offender Pre-sentence Evaluation (CSOPE);

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- o. Verification of Sex Offender Registration; and
- p. Other relevant materials.

2. Upon a client's discharge by parole or court ordered shock probation from the institutional program, the institutional SOTP unit shall forward the treatment files to the SOTP unit in the probation and parole district.
3. If a client in a community treatment program is transferred to another probation and parole district, the treatment file shall be forwarded to the SOTP unit in the receiving probation and parole district.
4. Information shall not be released to another mental health agency without receipt of a written authorization by the client on an official release of information document.

#### F. Attendance

1. A client may be terminated from the program if the client has more than one (1) unexcused absence per calendar quarter. The client's probation and parole officer shall be notified prior to the client's termination.
2. An authorized absence shall include:
  - a. Verified illness;
  - b. Verified medical appointment;
  - c. Death in the family or verified serious illness in the family;
  - d. Employment - only if prior approval has been given by the SSC; or
  - e. Other absence authorized by the SSC.

#### G. Treatment Modalities

1. Upon completion of the application phase, clients shall complete the psychoeducational components as outlined in KRS 197.400 to 197.440. These components and group therapy tasks shall be presented in a group therapy format:
  - a. Assessment and orientation (A&O):
    - (1) Autobiography;
    - (2) Correcting thinking errors;
    - (3) Cycle of offending; and
    - (4) Introduction to victim awareness;
  - b. Core therapy:
    - (1) Advanced ownership;
    - (2) Relapse prevention;
    - (3) Advanced victim personalization;

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- (4) Restitution; and
- (5) Final group review;
- c. Maintenance Sessions - Six (6) monthly meetings with partner; and
- d. Recommendations for:
  - (1) Individual counseling;
  - (2) Group counseling;
  - (3) Marital and family counseling; and
  - (4) Ancillary programs addressing other needs.

#### H. Client Evaluation

1. Each client shall be evaluated by staff on the following criteria:
  - a. Attendance;
  - b. Participation;
  - c. Attentiveness;
  - d. Behavior;
  - e. Knowledge; and
  - f. Demonstration of application of treatment concepts.
2. Each client may be given feedback concerning this evaluation and shall be given the opportunity to provide input at least every one hundred and twenty (120) days.

#### I. Termination

1. A client may be terminated from the SOTP for any of the following reasons:
  - a. More than one (1) unauthorized absence per calendar quarter;
  - b. Disruptive behavior in the session to the extent that the therapeutic process cannot take place;
  - c. The safety of the clients or SOTP staff is threatened;
  - d. Failure to complete any other component of the treatment plan as designated by the SSC or other assigned staff;
  - e. Failure to make payments for community treatment sessions;
  - f. Failure to pass or submit to polygraph;
  - g. A violation of the terms of the treatment contract; or
  - h. Non-admittance of guilt or responsibility for committing sexual offense. Any non-admitter who is already in the program shall be informed in writing that he has until the end of the module in which he is currently participating to admit guilt or responsibility for committing his sexual offense. If he does not admit guilt or responsibility for his offense, he shall be terminated from the program. The non-admitter shall be allowed to apply for

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readmission to the program one hundred eighty (180) days from the date of termination.

2. If termination from the SOTP is indicated, the SSC shall make a recommendation of termination to the Licensed Psychologist Program Administrator and Corrections Program Administrator. The SSC shall notify the probation and parole officer.
3. Upon receipt of termination request, the Licensed Psychologist or Corrections Program Administrator shall rule on the recommendation for termination.
4. The SOTP staff shall forward a written notice of termination to the client.

#### J. Appeals of Termination

The client may forward a written appeal to the Director of the Division of Mental Health or designee within ten (10) calendar days of receipt of the decision. The Director or designee shall forward a written response to the client within twenty-one (21) days of receipt of the appeal.

#### K. Re-Application

If a client is not-accepted into the SOTP or terminated from SOTP, he may reapply one hundred eighty (180) days after the non-acceptance or termination date as affixed by the Treatment Supervisor or Corrections Program Administrator. This does not mean that re-admission shall be granted. The client shall maintain clear conduct for one hundred eighty (180) days in order to be reconsidered for admission into the institutional program. A client shall not be admitted into the treatment program after two terminations.

#### L. Use of Adjunct Staff

1. The Division may use an adjunct staff member who is currently an employee of Corrections.
2. Use of an adjunct staff member shall be subject to approval by the Mental Health Director or designee and by the employing institution or agency.
3. A training session conducted by the Division shall be made available to adjunct staff.
4. Adjunct staff shall receive supervision from a designated staff member on at least a monthly basis.

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M. Use of Volunteers

5. The Division may use a volunteer who is not an employee of Corrections subject to the provisions of CPP 26.1.
6. A volunteer shall abide by the rules or documents specific to the institution or agency in which the volunteer provides services.
7. A volunteer shall receive clinical supervision from a qualified staff member on at least a monthly basis.
8. A training session conducted by the Division shall be required for each volunteer.
9. A volunteer may be a practicum student or intern.

N. Safety and Security

A two-way radio or telephone shall be available during a program activity in the community setting.

O. Establishment of a Case Management Team

1. After conviction and receipt of the referral to community supervision and treatment for a sex offender, the SSC shall convene a team to manage the offender during the term of supervision.
2. The purpose of the team shall be to staff cases, share information, and make informed decisions related to risk assessment, treatment, behavioral monitoring, and management of each offender. The team shall use the CSOPE and the PSI as a starting point for decisions.
3. Supervision and behavioral monitoring shall be a joint, cooperative effort of the SSC and supervising probation and parole officer.
4. Each team shall include the SSC and supervising probation and parole officer. The team shall be comprised of individuals whose involvement is appropriate for managing and treating the specific offender. Team membership may change during the treatment. The team may include individuals who need to be involved at a particular stage of management or treatment. The team may include a child protection worker, adjunct mental health providers, other legal representatives, or a probation and parole officer from the sentencing state as appropriate.

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5. A team member shall maintain the priorities of community safety and risk management if making decisions about the management or treatment of a client.
6. A team member shall communicate frequently enough to manage and treat the client effectively, with community safety as the highest priority.
7. The team shall seek:
  - a. An ongoing, open flow of information among all members of the team;
  - b. Participation of each team member in the management of a client;
  - c. Resolution of conflicts and differences of opinion among themselves to present a unified response. The final authority rests with the supervising probation and parole officer; and
  - d. Commitment by team members to the team approach and assistance with conflicts or alignment issues that occur.

P. Responsibility of the Treatment Provider within the Team

1. The SSC shall adhere to the ethical standards of the profession and in accordance with the Association for the Treatment of Sexual Abusers (ATSA) code of ethics.
2. The SSC shall provide a copy of the quarterly client progress report to the team members as appropriate.
3. The SSC shall supply the probation and parole officer and appropriate team members with a copy of the written treatment and relapse plan. The SSC shall also coordinate a meeting with the client and his partner to provide home rules and plans of protection if establishing contact with minors. The client, SSC, probation and parole officer, and client partners shall sign these documents if applicable. Alterations to the conditions of treatment or supervision shall not be granted without the agreement and written consent of all team members. The SOTP policies regarding reestablishing contact with minors and reunification, home rules, travel rules, and the program contract shall be shared with the probation and parole officer and any other team members deemed appropriate.
4. The supervising probation and parole officer may attend any session conducted with the client including group sessions.
5. The SSC shall immediately report to the probation and parole officer a violation of the treatment contract, including those related to specific conditions of supervision and attendance. This shall include evidence or

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likelihood of a client's increased risk of re-offending so that behavioral monitoring activities may be increased.

6. The SSC shall report to the probation and parole officer a reduction in frequency or duration of contacts or any alteration in treatment modality that constitutes a change in a client's treatment plan. A permanent reduction in duration, frequency of contacts, or permanent alteration in treatment modality shall be determined on an individual case basis by the SSC and probation and parole officer.
7. If termination from treatment is necessary, the SSC shall immediately notify the probation and parole officer. The probation and parole officer shall be provided with a written termination summary detailing the client's participation in treatment and reasons for the termination. If the probation and parole officer files a revocation of probation or parole, the SSC shall testify in court if necessary.

Q. Utilization of the Polygraph Examination

1. In cooperation with the supervising probation and parole officer, the SSC's treatment methods shall incorporate the results of polygraph examinations, including specific issue polygraphs, disclosure polygraphs, and maintenance polygraphs. Discussion about the use of the polygraph shall be made by the case management team to include the SSC, probation and parole officer, and the polygraph examiner. The case management team shall determine the frequency of polygraph examinations.
2. Polygraph examinations are used for the purpose of detecting deception or verifying the truth of statements of a client for treatment and supervision. The team shall review the results of the polygraph. The results of polygraphs shall be used to identify a treatment issue and for behavioral monitoring. Refusal to take the examination or completely participate in the examination process shall be a violation of the treatment contract. Results of the polygraph examination indicating deception shall not be the sole reason of a violation of the treatment contract. Results shall not be submitted in a court hearing for purposes of revocation.
3. The guidelines shall be used in conjunction with the standards for polygraph examiners as described by the American Polygraph Association (APA). Methods used by the polygraph examiner shall be as described by the APA standards. The polygraph examiner shall adhere to the Ethical Standards and Principles for the Management of Sexual Abusers as set forth by Association for Treatment of Sexual Abusers (ATSA).

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4. A description of the qualifications and training received by each polygraph examiner, the diplomas or certification received, and current association membership shall be kept on file in the central SOTP office at the Kentucky State Reformatory. The polygraph examiner shall provide the central SOTP office with any changes to the examiner's file. A polygraph examiner shall be:

- a. A specially trained clinical polygraph examiner and a graduate from an APA accredited school; and
- b. A member of APA and have completed the APA approved Post Conviction Sex Offender Treatment (PCSOT) training.

#### R. Conditions for the Administration of the Polygraph

The SSC, in case-conference with the SOTP supervisor and the supervising probation and parole officer, shall use the following criteria as guidelines if deciding on a polygraph examination for a client:

1. As a deterrence to re-offending;
2. Client in denial of his sexual offense;
3. Assistance in treatment and supervision of the client; and
4. In response to information regarding the client's activities that might indicate possible violation.

#### S. Procedures for Examination

##### 1. Scheduling for Polygraph Examinations

- a. If a polygraph exam is indicated, the SSC shall provide the client with a list of qualified polygraph examiners and indicate a time frame for completion of the polygraph examination. The polygraph examiner and the client shall schedule a time and location according to the polygraph examiner's schedule. Use of the Probation and Parole Office for an examination is recommended.
- b. The SSC shall maintain documentation in file of all polygraph examinations.

##### 2. Examination Procedures

- a. Pre-examination with clients



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- (1) The SSC shall review the polygraph special condition with the client, explain the polygraph process, and have the client complete the appropriate documents.
      - (2) The polygraph examiner shall review polygraph examination procedures with the client.
    - b. Attendance at Examination
      - (1) The SSC may attend a polygraph examination, but shall not be present in the examination room unless directed to be in the room by the polygraph examiner. If the SSC is not present for the examination, the SSC shall be available for consultation during business hours.
      - (2) A third party, including an attorney of the client, shall not be in the examination room during the polygraph exam.
        - (a) The client may consult with the attorney before the exam.
        - (b) The client may consult with the attorney upon completing the exam and after the post-test interview by the polygraph examiner, which may include the SSC.
      - (3) The polygraph examiner shall determine if the client is suitable for an examination considering the client's physical, mental, or emotional state.
    - c. Post-test Interview
      - (1) Upon completion of the polygraph examination, the polygraph examiner may conduct a post-test interview of the client.
      - (2) The SSC and the polygraph examiner may consult after the polygraph examiner's post-test interview.
      - (3) The SSC may debrief the client upon completion of the polygraph examination.
      - (4) Failure of the client to cooperate during the post-test interview sessions shall be considered non-cooperation with the polygraph examiner and shall be a treatment contract violation with appropriate sanctions to be determined by the SSC and SOTP supervisor.
- T. Results of Polygraph Examination Process and Supervision or Treatment Violations
1. Team Consultation
    - a. The polygraph examiner shall disclose all information that is discussed in the examination to the supervising probation and parole officer and the SSC.

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- b. Results of the examination shall be logged into the client's case file and the polygraph exam log.

## 2. General Provisions

- a. No deception: If no deceptions are indicated in the polygraph examination, the SSC shall record the results in the case file and the polygraph exam log and notify the SOTP supervisor and probation and parole officer.
- b. Deception indicated: If the examination indicates deceptive results on any question or the polygraph examiner has serious concerns regarding the veracity of the client's responses, the SSC shall consult with the SOTP supervisor and probation and parole officer to determine which sanctions and supervision strategies may be employed in response.
  - (1) The SSC shall not use the polygraph examination results indicating deception during the polygraph examination as the sole reason for treatment termination.
  - (2) The SSC shall record these responses in the case file and as part of their recommendation in any termination report that is submitted concerning other violations of treatment that occurred contemporaneously with the false statements.
  - (3) Deception shall be addressed as a supervision and treatment issue in the context of therapy.
- c. No opinion or an inconclusive opinion: If the polygraph examiner determines that the test results appear to be inconclusive, then the client shall be rescheduled for another examination as recommended by the polygraph examiner.
- d. Non-cooperation with Polygraph Procedure: Failure of the client to cooperate with any of the procedures associated with polygraph testing shall be a treatment violation. The SSC shall case conference with the SOTP supervisor and the probation and parole officer regarding appropriate sanctions.

## 3. Admissions by Sex Offender Client

- a. Admission of Violating Conditions of Supervision: If the client admits to violating a condition of supervision, the SSC shall record admissions in the case file and on the result form. In accordance with treatment warning and termination procedures, the SSC shall case conference regarding the appropriate action depending on the nature of the violation.
- b. Admission by Client of Engaging in Criminal Activity During Polygraph Examination Procedures: If the client admits during the polygraph examination process to criminal activity committed

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subsequent to their admission to the SOTP, the SSC shall case-conference the matter with the SOTP supervisor and supervising probation and parole officer. The SSC, SOTP supervisor, supervising probation and parole officer, probation and parole supervisor, and SOTP Program Administrator shall coordinate efforts with the polygraph examiner, the Office of Legal Services, and the local Commonwealth's Attorney to determine if a criminal complaint shall be filed.

#### U. Treatment Fee

1. In accordance with KRS 532.045(5), the SOTP may impose and enforce a treatment fee upon a client on community supervision who has been referred for sex offender specific treatment. Fees shall:
  - a. Not reduce a client's income to an amount that the potential for successful community reintegration is diminished;
  - b. Take into consideration other obligations of the client, such as court ordered child support, supervision fees, restitution, fines, or outstanding debts;
  - c. Be set at an amount that shall substantially defray the cost of the community SOTP; and
  - d. Be established using a sliding scale fee base comparable to or less than that used by regional community mental health agencies.
2. If the client is unable to pay the treatment fee based on hardship or indigence, the client shall provide adequate documentation to Corrections Division of Mental Health. Based on the documentation provided, the department may waive the treatment fee. A decision to waive the fee may be revised, altered, and amended upon adequate documentation from the client's assigned SSC that the financial status of the client has changed. A client shall not be denied treatment because the client is indigent. The cost of the treatment manual shall also be the responsibility of the client separate from the cost of group and individual assessment fees.
3. If payment of the treatment fee is required, the payment shall be made by the client by a cashier's check or money order made payable to the Kentucky Department of Corrections Division of Mental Health SOTP. A payment received shall be noted in the client's case file and a receipt given to the client with a copy placed in the client's treatment file. The money collected shall be used to defray the costs of operating the SOTP.
4. The treatment contract shall explain the responsibility of a client (as applicable) to pay for the cost of assessment and treatment. The explanation shall include the handling of payment and consequence for

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failure to make proper and timely payments. A client shall be notified of a 30-day grace period in the case of inability to pay for a particular session prior to consideration of termination.

5. Treatment fees shall be deposited in a special fund for the SOTP. The fees shall be pooled and used to pay for expenses of the SOTP, including training for staff and supplies. These funds may also be used to pay for the expense of the polygraph examinations for a client deemed indigent. The client, who does not meet the required guidelines for classification as indigent shall pay for the expense of the polygraph examinations if required by the SSC. A client shall be afforded a reasonable notice to submit to the polygraph examination to allow adequate time to access the funds. Payment shall be due at the examination.